

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.182 of 2025

1. **Shri Bijoy Kanti Ghosh**, S/o: Lt. Rakhal Ghosh,
Superintendent of Fisheries, Mohanpur, West Tripura.

2. **Shri Tikendrajit Jamatia**, S/o, Lt. Chitta Ranjan Jamatia,
Deputy Director of Fisheries, Ambassa, Dhalai-799289.

....Petitioner(s)

Versus

1. **The State of Tripura** represented by Secretary, Department of
Fisheries, Government of Tripura, N.C.C, Agartala, West Tripura.

2. **The Director of Fisheries**, Government of Tripura,
P.N.Complex, Gurkhabasti, Agartala, West Tripura-799006.

....Respondent(s)

For Petitioner(s) : Mr. Debarun Singha Kunwar, Advocate.

For Respondent(s) : Mr. Dulal Chandra Saha, Advocate.

Date of hearing &
delivery of Judgment
& Order : **22.09.2025**

Whether fit for
reporting :

Yes	No
	✓

BEFORE

HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

Judgment and Order(Oral)

Heard Ld. Counsel Mr. Debarun Singha Kunwar for
the petitioners and Ld. Counsel Mr. Dulal Chandra Saha for
the respondents.

[2] The claim of the petitioners is that by an office
order dated 11.03.1997 (Annexure-1) both the petitioners
were appointed temporarily on ad-hoc basis as Fishery
Officers for a period of 6(six) months or till they are selected
by T.P.S.C., whichever is earlier. Accordingly, they joined in

the service as ad-hoc employees and thereafter, by another Office Order dated 25.11.1998(Annexure-2) issued by the Directorate of Fisheries, they were appointed to the same post on regular basis in the pay scale of Rs.2000-75-2757-80-3390-85-4410/- with other allowances as admissible from time to time w.e.f. said date against the said post.

[3] The petitioner No.1 submitted one representation on 19.11.2018 (Annexure-4) to respondent No.2 for treating his regular service from the date of his initial appointment on ad-hoc basis. Reference in his representation was also made in respect of a decision of Division Bench of this Court passed in Writ Appeal 67 of 2014, decided on 10.08.2015. Another petitioner did not submit any such representation. The representation of petitioner No.1 was rejected on 30.12.2024 (Annexure-5) by the Department on the ground that the relief granted in WA 67 of 2014 itself was restricted by the High Court only to the petitioner of that case and therefore, others who did not approach the Court were not entitled to derive any benefit therefrom.

[4] The petitioner has submitted the decision of this Court in said **WA 67 of 2014 [The State of Tripura and Ors. Vs. Tribal Engineers' Society, Tripura and Ors.]** as Annexure-3. In the said case, a large number of junior engineers, both degree holders and diploma holders working in PWD, were promoted on officiating basis as Assistant

Engineers on ad-hoc basis for a period not exceeding 6 months in the year 1992. No regular promotion was made thereafter, and the ad-hoc promotion continued. Finally, in the year 2006, as many as 238 persons were promoted as Assistant Engineers on regular basis with prospective effect. Thereafter, some of them challenged the said promotion order, claiming that their promotion should be effective from the date when they were initially promoted on ad-hoc basis. The Division Bench, in those circumstances, directed that the period of service rendered by them from 1992 till the regularization in 2006 would be counted for all intentional purposes but restricted said benefits only to those persons who had approached the Court and it was also clearly mentioned that persons who have not approached the Court would not be entitled to claim said benefits without obtaining orders from the Court.

[5] Ld. Counsel, Mr. Debarun Singha Kunwar, submits that it is a continuing wrong and therefore, this writ petition is maintainable despite it is being filed after so many years. Ld. Counsel also relies on one decision of the Hon'ble Supreme Court in case of **The Union of India and Ors. Vs. Tarsem Singh, (2008) 8 SCC 648**. The relevant portion of para no.7 is extracted hereunder:

"7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ

petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained

[6] Ld. Counsel Mr. Kunwar further relies on another decision of the Constitution Bench of the Hon'ble Supreme Court in case of **Direct Recruit Class II Engineering Officers' Association Vs. State of Maharashtra and Others, (1990) 2 SCC 715**, wherein at Para no.47 against Sl. No. A & B, it was held as follows:

"47.....

(A) Once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation.

The corollary of the above rule is that where the initial appointment is only ad hoc and not according to rules and made as a stop-gap arrangement, the officiation in such post cannot be taken into account for considering the seniority.

(B) If the initial appointment is not made by following the procedure laid down by the rules but the appointee continues in the post uninterruptedly till the regularization of his service in accordance with the rules, the period of officiating service will be counted."

Ld. Counsel of the petitioner, Mr. Kunwar, finally prays for allowing the writ petition.

[7] Ld. Counsel, Mr. D. C. Saha appearing for the respondents, submits that there is a long period of unexplained delay on the part of the petitioner in approaching the Court and therefore, the petition is liable to be dismissed. Ld. Counsel, Mr. Saha also submits that no specific prayer has been made in the writ petition enabling Court to grant any relief in the case in favour of the petitioner and therefore the writ petition may be rejected.

[8] Considered the submission of both sides and perused the record.

[9] The Court is of the view that the petition is hopelessly barred by the principle of delay and laches, for the reason that when in the office order dated 25.11.1998 (Annexure-2), there was specific mention that the effect of such regularization was given from 25.11.1998, the cause of action had arisen on that date. It is not a case of continuing wrong or continuous cause of action. But the petitioner has approached the Court after about 27 years therefrom.

[10] The Judgment passed by the Division Bench of this Court in WA 67 of 2014 was of a different department in different context and even the benefit of said decision was also confined only to those persons who had approached the Court and therefore, said decision will not be of any assistance to the petitioners and said decision will also not

give rise to a fresh cause of action for the petitioners to approach the Court. The petitioners have also not mentioned any specific relief sought for by them in the writ petition to enable the Court to consider the same.

[11] Considering all these aspects, the writ petition is dismissed.

No order as to costs.

Interim application(s), if any, shall also stand disposed of accordingly.

JUDGE



सत्यमेव जयते

Saikat Sarma

RUDRADEE
P BANERJEE